

**IN THE UNITED STATES BANKRUPTCY  
COURT FOR THE SOUTHERN DISTRICT  
OF TEXAS**

**JOHN ABUAN, CONSTANCE ABUAN,  
STEVE STRICKLAND, Et. al.**

**Plaintiff,**

**v.**

**SGR ENERGY, INC.  
Defendant.**

Case No. 22-32050

Adversary Case No. 22-03309

**PLAINTIFFS' MOTION TO NON-SUIT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, your Plaintiffs and creditors in the above captioned bankruptcy matter, and pursuant to Fed.R.Civ.P. 41(a)(2) and requests the Court to dismiss, without prejudice, Plaintiffs' claims against Defendant, SGR Energy, Inc. and in support thereof respectfully shows the following:

1. Plaintiffs sought relief from the Defendant for clear and obvious fraud relating to procuring investor funds for an oil and gas enterprise based on knowingly false statements and material omissions made for the express purpose of inducing investors to rely on those statements to their extraordinary financial detriment.

2. However, 11 U.S.C. § 523 does not authorize an adversarial action to determine exceptions to discharge against a corporation. Resultantly, Plaintiffs seek to non-suit their claims against, SGR Energy, Inc.

3. As a result of the above, no prejudice will be done to any Defendant by relief sought in this Motion.

Date: January 18, 2023.

Respectfully Submitted,

**GREALISH MCZEAL, P.C.**

By: /s/Marcellous S. McZeal  
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ATTORNEY-IN-CHARGE FOR  
PLAINTIFFS

### **CERTIFICATE OF SERVICE**

I hereby certify the foregoing instrument was forwarded to all counsel of record using the Court's ECF system, which will cause a true and correct copy be served on this the 18<sup>th</sup> day of January, 2022.

/s/ Marcellous S. McZeal  
Marcellous S. McZeal